

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RUBEN E. SANCHEZ,

Plaintiff,

v.

RUSTY SMITH, *et al.*,

Defendants.

Case No. C05-5426RBL

ORDER GRANTING
SUMMARY JUDGMENT

The Court, having reviewed plaintiff's complaint, the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Defendant Bergs' motion for summary judgment is GRANTED;
- (3) Plaintiff's motion for default is DENIED; and
- (4) The Clerk is directed to send copies of this Order to plaintiff and to the Hon. J. Kelley Arnold

DATED this 20th day of June, 2006.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE